

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

January 30, 1947
11:00 A.M.

Council Chamber, City Hall

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The meeting was called to order, with Mayor Miller presiding.

Roll call

Present : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf - 5

Absent : None

Present also: Guiton Morgan, City Manager; J. E. Motheral, Director of Public Works; Trueman E. O'Quinn, City Attorney; and R. D. Thorp, Chief of Police.

The reading of the Minutes was dispensed with.

Hardy Harvey of the Harvey Advertising Company, and David Creswell, representing the Austin Photo Supply Company, came before the Council and asked for a loading zone at their place of business on the north side of the 100 block of East 8th Street. The matter was referred to the Police Department for investigation and recommendation.

R. G. Mueller and representatives of the Miller-Hofstetter Company came before the Council and asked that the City take action on their request for a storm sewer in the 600 block of West 4th Street which has been pending before the Council for several years; said property owners agreeing to pay \$2500.00 of the cost of said sewer. The matter was referred to the Director of Public Works to prepare plans and estimate of cost and submit same to the Council either at the next regular meeting or the next one.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AUTHORIZING THE SOUTHERN-PACIFIC
LINES TO CONSTRUCT, MAINTAIN AND OPERATE A
RAILWAY SPUR TRACK IN, UPON, AND ALONG A POR-
TION OF EAST FIFTH (E. 5th) STREET BETWEEN
UNION AND NAVASOTA STREETS IN THE CITY OF
AUSTIN, SUBJECT TO CERTAIN CONDITIONS; AND
DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading.

The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

The ordinance was read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

The ordinance was then read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, TEXAS, JULY 17, 1941, AND RECORDED IN ORDINANCE BOOK "L", PAGES 152-174, INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, WHICH ORDINANCE WAS AMENDATORY OF THAT CERTAIN ORDINANCE ESTABLISHING ZONING REGULATIONS AND DISTRICTS IN ACCORDANCE WITH A COMPREHENSIVE PLAN PASSED BY THE CITY COUNCIL APRIL 23, 1931, AND RECORDED IN ORDINANCE BOOK "I", PAGES 301-318, BOTH INCLUSIVE, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, THE AMENDATORY ORDINANCE HEREBY CHANGING THE USE DESIGNATION FROM "A" RESIDENCE DISTRICT AND FIRST HEIGHT AND AREA DISTRICT TO "B-1" RESIDENCE AND SECOND HEIGHT AND AREA DISTRICT OF LOT FOURTEEN (14), IN OUTLOTS 41 AND 42, DIVISION "D", LONGVIEW TERRACE IN THE CITY OF AUSTIN, TRAVIS COUNTY, TEXAS; ORDERING A CHANGE IN THE USE MAPS SO AS TO RECORD THE CHANGE HEREBY ORDERED; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

The ordinance was read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

The ordinance was then read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

The following report of the Board of Adjustment on the application of Cecil C. Street, et al for a change in zoning of the property on the north side of the 1600 block of West 5th Street was received and ordered filed:

" Austin, Texas
January 23, 1947

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on January 7, 1947:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration a petition of Cecil C. Street, et al, requesting a change in the Use designation of the following property:

Lots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, and 22, Block 1,
R. Niles Graham Subdivision, being the property on the north
side of West 5th Street in the 1600 block,

from "B" Residence District to "C" Commercial District; and

WHEREAS, the Board of Adjustment held a hearing on this application at a meeting on January 7, 1947, at which Cecil C. Street, Harvey Hays, Robert L. Burris, Edward Joseph, and Mrs. Mattingly, for the Reese Estate, appeared to plead for the change on the grounds that this property is located across 5th Street from an Industrial District; and

WHEREAS, Geo. J. Bendetti and Mr. and Mrs. Frate Barker, signers of the original petition asking for the change, appeared and asked that their names be withdrawn from the petition since it was their opinion, after further consideration, that the property should remain in its present zoning classification; and

WHEREAS, on September 6, 1946, Cecil C. Street, one of the applicants, had applied for the change of the zoning classification of Lots 21 and 22 of this half block, which request had been referred to the Board by the City Council, and the Board held a hearing on this application on September 17, 1946, at which a number of residents in the Niles Graham Subdivision No.1

appeared and protested the change, but the applicant did not appear on his own behalf for the change; and

WHEREAS, the applicant appeared at a later meeting of the Board to explain his reasons for requesting this change, but the Board, after careful consideration at that time, did not recommend the change; and

WHEREAS, the present application is an outgrowth of the former and includes the remainder of the half block fronting on West 5th Street and the names of certain property owners appeared on the application; and

WHEREAS, the applicant, Cecil C. Street, at this latter hearing, did not present any definite, concrete proposal for the use of his lots for "C" Commercial purposes; and

WHEREAS, the Board deemed that under the conditions and circumstances no justification had been established for this change; therefore,

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

THAT the above change in the Use designation of the above described property be not recommended to the City Council of the City of Austin.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman. "

Councilman Wolf moved that, at the request of applicants, a public hearing on their application for a change in zoning of the property described in the foregoing report of the Board of Adjustment be called for Thursday, February 20, 1947, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

The written application of J. T. Heath for a change in zoning, from "A" Residence District to "C" Commercial District, of the property located at 700 West 34th Street, being Lot 26, Wendlandt & Mueller Subdivision, Outlot No. 76, Division "D", was received. Councilman Glass moved that the matter be referred to the Board of Adjustment for consideration and recommendation. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

Mayor Miller announced that the City Council had received written notice from Louis D. Kubecka, through his attorney, Chas. F. Herring, of the withdrawal of his client's application for change in zoning of the property located between Swisher Street and East Avenue and 23½ and 24th Streets; and, therefore, the public hearing on said application for change in zoning scheduled for this day would not be held.

Councilman Wolf introduced the following ordinance:

AN ORDINANCE DEFINING PLUMBING AND DECLARING THE PURPOSE THEREOF; DESIGNATING CLASSES OF PLUMBERS AND PRESCRIBING LICENSES FOR THE PRACTICE OF PLUMBING; CREATING THE OFFICE OF PLUMBING INSPECTOR AND PRESCRIBING DUTIES AND POWERS OF INSPECTORS; CREATING THE EXAMINING AND SUPERVISING BOARD OF PLUMBERS AND DEFINING THE POWERS AND DUTIES OF THE BOARD; FIXING FEES AND LICENSES FOR PLUMBERS; PRESCRIBING PERMITS AND FEES FOR THE INSTALLATION OF PLUMBING AND PROVIDING FOR INSPECTIONS OF PLUMBING; PRESCRIBING SPECIFICATIONS FOR PLUMBING INSTALLATIONS; PROVIDING PENALTIES FOR THE VIOLATIONS OF THIS ORDINANCE; FIXING RESPONSIBILITY FOR DEFECTS IN PLUMBING; PROVIDING A SAVING CLAUSE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the ordinance be passed to its second reading and laid over. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The ordinance was then laid over.

Councilman Thornberry offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the City Manager of the City of Austin has filed a report with the City Council dated January 25, 1947, setting forth a plan for the settlement of certain differences between the City of Austin and the Lower Colorado River Authority with reference to the application of depreciation rate on capital improvements of the Austin Dam, allowances for power purchases made by the City of Austin on depreciation, and other matters related to contracts and agreements between the City and the Authority; and

WHEREAS, said report has been examined and considered by the City Council and the plan therein presented is acceptable to the City Council; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Manager be, and he is hereby, authorized and directed to enter into an agreement in behalf of the City of Austin with the Lower Colorado River Authority by which the differences between the City of Austin and the Lower Colorado River Authority, as outlined in the report herein noted, be composed and settled in accordance with the plan, terms, and conditions set forth in said report; and

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the report of the City Manager , dated January 25, 1947, on this subject be filed with the City Clerk as a permanent record.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Councilman Wolf introduced the following ordinance:

AN ORDINANCE AMENDING THAT CERTAIN ORDINANCE ENTITLED "AN ORDINANCE TO REGULATE THE MOVING OF HOUSES AND OTHER BUILDINGS OVER THE STREETS OF THE CITY OF AUSTIN; REPEALING ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THE PROVISIONS HEREOF; AND DECLARING AN EMERGENCY", WHICH ORDINANCE WAS PASSED BY THE CITY COUNCIL OF THE CITY OF AUSTIN ON SEPTEMBER 12, 1946, AND IS RECORDED IN BOOK "M", PAGES 252-254, OF THE ORDINANCE RECORDS OF THE CITY OF AUSTIN, BY AMENDING SECTION 2 RELATING TO SURETY BOND REQUIRED OF APPLICANT; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Wolf moved that the rule be suspended and the ordinance be passed to its second reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The ordinance was read the second time and Councilman Wolf moved that the rule be further suspended and the ordinance be passed to its third reading. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The ordinance was then read the third time and Councilman Wolf moved that the ordinance be finally passed. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Thereupon Mayor Miller announced that the ordinance had been finally passed.

Councilman Thornberry introduced the following resolution:

(RESOLUTION)

WHEREAS, by Section 13, Article XIV, of the Charter of the City of Austin, the City Council is charged with the power "to suppress gaming and gambling of all kinds and descriptions, and to prevent the same" ; and

WHEREAS, there has developed throughout the nation a widespread attempt on the part of professional gamblers to interfere with clean and decent sports and to engage in and support general violations of our laws against crime; and

WHEREAS, it is well known that wherever professional gamblers are allowed to ply their vicious and immoral trade, crime in general becomes prevalent; and

WHEREAS, the citizens of Austin desire and demand a clean and decent community for themselves, their children, and those who come here to obtain their education, free from the influence and presence of the professional gamblers and their organized crimes; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Manager is hereby ordered, and directed, and through him, the Chief of Police is so ordered and directed, to enforce strictly all laws against organized and professional gambling which is occurring or might occur in the City of Austin and to cooperate with all other law enforcement agencies in obtaining such necessary enforcement.

Councilman Glass moved that the resolution be adopted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The following report of the Board of Adjustment recommending amendments to the Maps of the Zoning Ordinance was received and ordered filed:

" Austin, Texas
November 30, 1946

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The Board of Adjustment at a meeting held on November 26, 1946, unanimously agreed to recommend to your Honorable Body the following amendments to the Maps of the Zoning Ordinance of the City of Austin:-

- a. To change the Height and Area Designation of Lots 8 and 9 in Block 2, East half of Block 1, East half of Block 10, and all of Block 9, in Fruth Addition of the City of Austin, lying between West 29th and West 30th Streets and fronting on Fruth Street, from First Height and Area District to Second Height and Area District.
- b. To change the Height and Area Designation of Lot D, Block 18, Division E, and the West half of Block 19 of the City of Austin

now shown as "B" Residence property, from First Height and Area District to Second Height and Area District.

The above recommendations are made in response to an increasing demand for efficiency apartments serving the University of Texas in particular, and the City in general, and due to the housing shortage now existing in the City of Austin, which will continue to exist for a number of years owing to the unprecedented growth of the University and of the City of Austin itself; and further because these properties are now zoned for "B" Residence purposes, which would permit apartments, but due to their present Height and Area Designation will not permit intensive development commensurate with their value and to serve this urgent demand.

Attention is also called to the fact that the property in Fruth Addition is adjacent to a Second Height and Area District on the West and on the South and on City Park property on the East and, therefore, is well suited for apartments requiring less lot area per family than is permitted under a First Height and Area District.

It is further pointed out that the property on West 19th Street now zoned for "B" Residence Uses fronts on a Second Height and Area District to the North and adjoins a Second Height and Area District on the East, and this change would thus be an extension of the present Second Height and Area District to include the above described property.

The above amendments may be considered as corrections of discrepancies between the Height and Area District Maps and the Use District Maps, since "B" Residence property is generally located in a Second Height and Area District, because of the lower lot area per family requirements in this District.

The Board also begs to recommend the following amendment to the text of the Zoning Ordinance after careful deliberation and research:-

To amend Item 33 of Section 6, "C" Commercial District of the Zoning Ordinance by changing the period at the end of the present sentence to a comma and adding the following thereto:

"except where such animals are kept entirely within a building with no outside kennels, runs, or other housing of animals and where provision is made for soundproofing the building, and where such animals are not boarded or bred or kept confined longer than necessary for proper treatment of diseases."

The present Ordinance prohibits Veterinary Hospitals in the "C" Commercial District, although the original Ordinance did so provide, and now relegates this use to Industrial Districts. It is deemed that the location of these in the present Industrial Districts is not in the interest of the public and does not afford suitable locations for such an activity and, therefore, practically banishes this use outside of the city limits into the County. Investigation discloses that this use is permitted in many cities, even in residence areas when the activities are conducted in a modern, sanitary, and limited manner, without adversely affecting the neighborhood or adjacent property. The Board, therefore, deems that if the restrictions in the above amendment are applied, then this use would not be undesirable

in a Commercial District here in Austin.

Attached hereto are photographs of such Veterinary Clinics in other cities as Exhibits "A", "B", and "C".

The Board trusts that the City Council will consider these recommendations favorably and proceed to amend the Ordinance accordingly.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne, Chairman. "

The application of SYLVESTER E. HINTON, JR., 217 West 8th Street, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1946 Model, Motor No. DAA6-454, State License HN-2841, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of MARVIN MARK HAGOOD, 301 West 21st Street, for a license to operate as a taxicab a 4-door Ford Sedan, 1942 Model, Motor No. 18-6788204, State License No. HN-5647, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of CLEMMIE GEORGIA BROWN, 907 Congress Avenue, for a license to operate as a taxicab a 4-door Chevrolet Sedan, 1940 Model, Motor No. 2914780, State License No. FV-8593, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of WILLARD L. PANNELL, 217 West 8th Street, for a license to operate as a taxicab a 4-door sedan, 1940 Model, Motor No. 2918155, State License No. 5505, duly approved by the City Manager, was submitted. Councilman Glass moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of MARION HARRIS, 1405 Rosewood Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

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Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf
Noes : None

The application of JIMMIE LEE POWELL, 1405 Rosewood Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf
Noes : None

The application of PRESTON DAVIS, 102 West 35th Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf
Noes : None

The application of ROBERT EDWARD GRAHAM, 1404 Congress Avenue, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf
Noes : None

The application of JAMES L. SAMUELSON, 1804 $\frac{1}{2}$ Lavaca Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf
Noes : None

The application of DUARD LAVANCE BISHOP, 2301 South 1st Street, for a taxicab driver's permit, duly approved by the City Manager, was submitted. Councilman Thornberry moved that the permit be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf
Noes : None

The application of ELEVENTH STREET TAXI COMPANY, 1201 East 11th Street, for a taxicab terminal operator's license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf
Noes : None

It was moved by Councilman Glass that, upon the recommendation of the Chief of Police, the taxicab driver's permit heretofore issued to JOE WHEELER be revoked. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

An appeal by WILLIAM M. WALKER, JR., Colored, 1207 Alamo Street, on his application for a taxicab driver's permit, recommended for denial, was heard. After considering the appeal, Mayor Miller moved that Appellant be granted a ninety days probationary taxicab driver's permit. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilman Wolf

Noes : Councilman Thornberry

An appeal by BRUCE BRINKLEY, 1910 Willow Street, on his application for a taxicab driver's permit, recommended for denial, was heard. After considering the appeal, Mayor Miller moved that Appellant be granted a ninety days probationary taxicab driver's permit. The motion carried by the following vote:

Ayes : Councilman Glass, Mayor Miller, Councilman Wolf

Noes : Councilmen Bartholomew and Thornberry

The application of the GOLDEN GLOVE INN, 721 East 6th Street, by Charlie Nohra, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The application of the LIBERTY CAFE, 920 Congress Avenue, by Altman L. Frazier, for a wine and beer license, duly approved by the City Manager, was submitted. Councilman Wolf moved that the license be granted. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Councilman Bartholomew offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, through error, Rhodes Truck Lines of Travis County, Texas, rendered for taxes in the City of Austin for the year 1946 a fleet of trucks then being operated by that concern in various parts of the State, and which were not located in Austin, fixing a tax value thereon in the sum of Twenty-six Thousand Seven Hundred Dollars (\$26,700.00); and

WHEREAS, it now appears that many of the trucks so rendered were not owned by Rhodes Truck Lines, but were being operated by it under contracts with the owners thereof who reside outside of the City of Austin; and

WHEREAS, in fact, the Rhodes Truck Lines did own four (4) trucks and trailers on January 1, 1946, having a taxable value of Ten Thousand Dollars (\$10,000.00), and the trucks and trailers so owned by it were subject to taxation in the City of Austin, which is the principal office and domicile of the company; and

WHEREAS, Rhodes Truck Lines has requested correction of its rendition and of the tax rolls of the City of Austin in regard to such rendition; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the rendition of Rhodes Truck Lines for the year 1946 and the tax rolls of the City for such year be corrected to eliminate the rendition and assessment of the fleet of trucks not owned by said Rhodes Truck Lines and to correctly show on the rendition and the tax rolls the four (4) trucks and trailers actually owned by Rhodes Truck Lines of the taxable value of Ten Thousand Dollars (\$10,000.00); and

BE IT FURTHER RESOLVED that the City Tax Assessor and Collector be, and he is hereby, authorized and directed to correct the tax rolls and other records of his office accordingly.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

Councilman Glass offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be, and the same is hereby, permitted to lay and construct its gas mains in and upon the following streets:

- (1) A gas main in CHICON STREET from a point 25 feet north of East 18th Street northerly 94 feet, the centerline of which gas main shall be 11 feet west of, and parallel to, the east property line of said Chicon Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (2) A gas main in CHERRY LANE from a point 60 feet west of Rockmoor Avenue westerly 400 feet, the centerline of which gas main shall be $5\frac{1}{2}$ feet north of, and parallel to, the south property line of said Cherry Lane.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (3) A gas main in WEST 10TH STREET from a point 34 feet west of Charlotte Street westerly 130 feet, the centerline of

which gas main shall be 11 feet south of, and parallel to, the north property line of said West 10th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (4) A gas main in WEST ANNIE STREET from a point 136 feet west of Newton Street westerly 125 feet, the centerline of which gas main shall be 10 feet south of, and parallel to, the north property line of said West Annie Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (5) A gas main in SOL WILSON AVENUE from Hargrave Street easterly 387 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said Sol Wilson Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (6) A gas main in BEDFORD STREET from Sol Wilson Avenue southerly 63 feet, the centerline of which gas main shall be $6\frac{1}{2}$ feet west of and parallel to the east property line of said Bedford Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (7) A gas main in EAST 49TH STREET from Bennett Avenue easterly 102 feet, the centerline of which gas main shall be 5 feet south of, and parallel to, the north property line of said East 49th Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (8) A gas main in FLETCHER STREET from a point 152 feet east of South 3rd Street easterly 75 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said Fletcher Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (9) A gas main in HASKELL STREET from Comal Street easterly 144 feet, the centerline of which gas main shall be $13\frac{1}{2}$ feet south of, and parallel to, the north property line of said Haskell Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (10) A gas main in WEST 51ST STREET from Woodrow Avenue easterly 267 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said West 51st Street.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (11) A gas main in ST. JOHNS AVENUE from a point 262 feet east of Guadalupe Street easterly 220 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of, and parallel to, the north property line of said St. Johns Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

- (12) A gas main in ROCKMOOR AVENUE from Bonnie Road southerly 148 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of, and parallel to, the east property line of said Rockmoor Avenue.

Said gas main described above shall have a cover of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the Department of Public Works not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

And that whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

That the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf

Noes : None

The following report of the Board of Adjustment on the application of C. BEN HIBBETTS and RICHARD AVENT for change in zoning of the property

located on the north side of West 25th Street between San Gabriel and Pearl Streets was received and filed:

" Austin, Texas
January 31, 1947

Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting on January 28, 1947:

R E S O L U T I O N .

Whereas, the City Council of the City of Austin, pursuant to the terms of Section 31 of the Zoning Ordinance of the City of Austin, has referred to the Zoning Board of Adjustment for its consideration the proposal to change the Use designation of the following property:

Lots 5, 6, 7, 8, 9, 10, 11, and 12, Outlot 53, Division "D", located on the north side of West 25th Street from San Gabriel Street to Pearl Street,

from a special "B" Residence District to "B-1" Residence District; and

Whereas, the Board of Adjustment held a hearing on this proposal at a meeting on January 28, 1947, at which C. Ben Hibbetts and Richard Avent appeared stating that they desired to construct a bachelor apartment for veteran students; and

Whereas, at this hearing, no property owners appeared in opposition to this change; and

Whereas, the property to be changed was originally in an "A" Residence District and by action of the Council was placed in a special and modified "B" Residence District, which permitted only apartment houses and not boarding or lodging houses and excluded fraternities, sororities, and the other uses permitted in a normal "B" Residence District; and

Whereas, since that action, the City Council has amended the Ordinance to provide for a new "B-1" Residence District which permits apartments, apartment hotels, boarding and lodging houses, in addition to all uses permitted in an "A" Residence District but again excludes fraternities, sororities, hospitals, etc.; and

Whereas, this change would establish a "B-1" Residence District in accordance with the amended Ordinance and correct the present duplication and conflict in the classification of this property and establish a bona fide and regular district which would serve as a transitional zone between an "A" Residence District and a normal "B" Residence District; and

Whereas, the Board of Adjustment had already recommended a change of this property from an "A" Residence District to a multi-family district due

to the great expansion of the University and need of additional housing and the trend of development in this direction, and the Board now deems that this change is proper and logical; therefore

BE IT RESOLVED BY THE BOARD OF ADJUSTMENT:

That it is hereby recommended to the City Council that the above described property be changed from a special "B" Residence District and Second Height and Area District to a "B-1" Residence District and Second Height and Area District.

Respectfully submitted,

BOARD OF ADJUSTMENT

By (Sgd) H. F. Kuehne
Chairman . "

Councilman Thornberry moved that a public hearing on the application of the said C. Ben Hibbetts and Richard Avent for change in zoning of the property described in the foregoing report of the Board of Adjustment be called for Thursday, February 20, 1947, at 11:00 A. M. The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen Thornberry and Wolf
Noes : None

Councilman Wolf offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, in connection with the purchase of right-of-way for the extension of East 7th Street, the City of Austin has obtained the following options:

- (1) Option signed by Mrs. Lee Brown, et al, dated January 21, 1947, covering parts of Lots 1 and 2, Block 13, Lincoln Place, in the City of Austin, Travis County, Texas;
- (2) Option signed by Richard Hernandez and wife, dated January 24, 1947, covering all of Lot 2, Block 11, Lincoln Place, in the City of Austin, Travis County, Texas;
- (3) Option signed by Rosendo Zamarrilla and wife, dated January 20, 1947, and covering Lot 25, Paul Simms Addition, City of Austin, Travis County, Texas;
- (4) Option signed by Emma Franklin, dated January 21, 1947, covering part of Lot 4, Block 12, Lincoln Place, in the City of Austin, Travis County, Texas; and

WHEREAS, it is deemed advisable by the City Council that all such property be purchased in accordance with the terms of said options;

now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN;

That each of said option contracts be exercised and that the City of Austin proceed with the purchase of the property described therein.

Which motion, carrying with it the adoption of the resolution, carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

Councilman Wolf moved that a public hearing on the proposal to amend the Use designation of the following described property so as to change the same from First Height and Area District to Second Height and Area District, to wit:

Lots 8 and 9, in Block 2, east half of Block 1, east half of Block 10, and all of Block 9, Fruth Addition; and Lot D, Block 18, Division E, and the west half of Block 19, in the City of Austin, Texas,

be called for Thursday, February 20, 1947, at 11:00 A. M.

The motion carried by the following vote:

Ayes : Councilmen Bartholomew, Glass, Mayor Miller, Councilmen
Thornberry and Wolf

Noes : None

Upon motion, seconded and carried, the meeting was then recessed, subject to call of the Mayor.

Approved:

Tom Miller
MAYOR

Attest:

Helene Miller

CITY CLERK